

From: [Long, Kenneth \(ENRD\)](#)
To: [Long, Kenneth \(ENRD\)](#); [Kenney, Edward P.](#); brent.tracy@jm.com; [James Costello/R6/USEPA/US@EPA](#); [James Costello/R6/USEPA/US@EPA](#)
Subject: RE: JM Settlement Agreement Westbank/Marrero
Date: 05/16/2012 12:02 PM

Ed. To clarify, EPA is also OK with the revisions you made to the Map. Ken

From: Long, Kenneth (ENRD)
Sent: Wednesday, May 16, 2012 12:27 PM
To: 'Kenney, Edward P.'; brent.tracy@jm.com; [James Costello](#); costello.james@epa.gov
Subject: RE: JM Settlement Agreement Westbank/Marrero

Hello Ed. Thank you for your suggested revisions. They are acceptable to EPA with the following minor edits of the definition set forth below:

10. *Excluded Properties.* This Agreement does not address, and the Parties

reserve their rights, claims, and defenses with respect to properties currently or formerly owned by JM in Marrero, Louisiana which are further approximately depicted on Attachment A (map). Should any future claims arise regarding these excluded properties, legal descriptions will determine the precise boundaries of the excluded properties. In general, these properties can be described as three segments of land. The southern segment is generally bounded on the north by the railroad tracks, on the east by Eiseman Avenue, on the south by 4th Street, and on the west by a line that projects north from Silver Lily Lane as an imaginary extension of Silver Lily Lane. The central segment is generally bounded on the north by River Road, on the east by the road (labeled Steel St on map), currently dirt, one block west of Marrero Road, on the south by the railroad tracks, and on the west by the property formerly owned by Celotex. The northern segment is the batture generally bounded on the north by the Mississippi River, on the south by the Mississippi River levee, on the east by an imaginary northward extension of the road (labeled Steel St on map), currently dirt, one block west of Marrero Road, and on the west by an imaginary line that is an extension of the pipeline that crosses the Mississippi River levee approximately one block east of an imaginary northward extension of Garden

From: Kenney, Edward P. [<mailto:ekenney@Sidley.com>]
Sent: Thursday, May 10, 2012 12:27 PM
To: Long, Kenneth (ENRD); brent.tracy@jm.com; [James Costello](#); costello.james@epa.gov
Subject: RE: JM Settlement Agreement Westbank/Marrero

Gentlemen:

Attached is a slightly revised draft and map; the only revision to the settlement agreement is in the definition of "Excluded properties" in Paragraph 10 and on the map (in which the covered area is smaller than the government's first proposed map, but slightly larger than the government's second proposed map). The JM proposed map attached includes in the designated "Excluded properties" two parcels that JM purchased from Celotex and owned for a few years, and does not include publicly owned areas (the road and levee) that JM neither presently nor formerly owned. JM has also changed the labels on the map (to "Properties Currently or Formerly Owned by Johns Manville". We believe that these changes provide a more precise delineation of "Excluded Properties" and are consistent with our previous discussions, and are prepared to recommend that JM management sign the agreement with these changes.

In the event that you wish to discuss, Brent and I would be available for a telephone conference on Friday, May 11, 2012, possibly on Wednesday May 16 (my schedule is in somewhat a state of flux), or Friday, May 18.

Please contact me if you have questions or comments.

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From: Long, Kenneth (ENRD) [<mailto:Kenneth.Long@usdoj.gov>]

Sent: Friday, May 04, 2012 10:09 AM
To: Kenney, Edward P.; brent.tracy@jm.com; James Costello
Subject: RE: JM Tolling Agreement and Status

Alright Ed. Thank you for the explanation. It would still be helpful to walk through your concerns about the map with EPA in some detail. Ken

From: Kenney, Edward P. [<mailto:ekenney@Sidley.com>]
Sent: Friday, May 04, 2012 10:55 AM
To: Long, Kenneth (ENRD); brent.tracy@jm.com; James Costello
Subject: RE: JM Tolling Agreement and Status

JM has always been and remains concerned with the language of the excluded properties provision and the map. Even the government's latest map is overly broad, since it includes public properties including River Road and the levee. On that basis, JM saw the need to fully research the property ownership to ensure the provision is properly stated. We had attempted to address this issue with the language we proposed last fall, but the government did not accept JM's proposed language. In addition, JM needs to go through its internal approval process in advance of final agreement. We have nearly completed addressing both of these items, and anticipate getting back to you shortly.

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From: Long, Kenneth (ENRD) [<mailto:Kenneth.Long@usdoj.gov>]
Sent: Friday, May 04, 2012 9:05 AM
To: Long, Kenneth (ENRD); Kenney, Edward P.; brent.tracy@jm.com; James Costello
Subject: RE: JM Tolling Agreement and Status

Here is the tolling agreement.

From: Long, Kenneth (ENRD)
Sent: Friday, May 04, 2012 9:51 AM
To: 'Kenney, Edward P.'; brent.tracy@jm.com; James Costello
Subject: JM Tolling Agreement and Status

Hello Ed and Brent. Attached is the signed amended tolling agreement. I am concerned about the delay in finalizing the settlement agreement. What is the holdup in providing your final OK for signature? We have read through the agreement on the phone together and addressed your previous comments. EPA sent a revised map. Let's set up a call to finalize this agreement. I propose next Tuesday or Wednesday. Are you available? Ken

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